

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

ADMINISTRATIVE CIVIL LIABILITY ORDER NO. 98-066

IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF

GUY PAGE, OWNER/OPERATOR
FIRST NATIONAL LAUNDROMAT
WASTEWATER DISPOSAL FACILITIES
Joshua Tree - San Bernardino County

This Order is issued to Guy Page, Owner/Operator of First National Laundromat for failure to submit monitoring reports and subject to provisions of California Water Code Section 13267.

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On November 29, 1995, waste discharge requirements were issued to Robert Masse for First National Laundromat, Board Order No. 95-104.
2. On August 19, 1997, Regional Board staff received information from Guy Page that as of July 8, 1997 he was the new owner/operator of the First National Laundromat.
3. On September 24, 1997, the Regional Board adopted Change of Name/Ownership Order No. 97-120 which listed the new owner/operator of the First National Laundromat as Guy Page.
4. Pursuant to Section 13267 of the California Water Code, which states in part:

"..the regional board may require that any person who has discharged, discharges, or is suspected of discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires..."
5. Provision C.4., of Board Order No. 95-104 states:

"The discharger shall comply with "Monitoring and Reporting Program No. 95-104", and future revisions thereto, as specified by the Regional Board's Executive Officer."
6. On December 15, 1997, Regional Board staff mailed a reminder notice to Guy Page, noting that the 1997 fourth quarter monitoring report was scheduled to be submitted to our office by January 15, 1998. Regional Board staff included a copy of the monitoring reporting form with the reminder notice.
7. On January 29, 1998, Regional Board staff mailed a failure to submit letter to Guy Page for failing to submit the 1997 fourth quarter monitoring report.
8. On February 27, 1998, Notice of Violation No. 98-044 was issued by certified mail to Guy Page for failure to submit the 1997 fourth quarter monitoring report. On March 3, 1998, Regional Board staff received the certified return receipt noting the date of delivery as March 2, 1998.

9. On May 11, 1998, Administrative Civil Liability Complaint No. 98-061 was issued by certified mail to Guy Page in the amount of \$282.00 pursuant to Section 13268 of the California Water Code. On May 15, 1998, Regional Board staff received the certified return receipt noting the date of delivery as May 14, 1998.
10. The Regional Board considered the factors found in California Water Code Section 13327:

"In determining the amount of civil liability the regional board, and the state board upon review of any order pursuant to Section 13324, shall take into consideration the nature, circumstance, extent, and gravity of the violation or violations, whether the discharge is susceptible to cleanup or abatement, the degree of toxicity of the discharge, and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require."
11. With respect to Finding No. 9, above, the Regional Board specifically considered the following:
 - a. Nature, circumstance, extent and gravity of the violation: Monitoring is required on a quarterly basis for evaluating the quality of the discharge from this facility. If a report noting the results of this monitoring is not received, it is not possible to determine compliance with the waste discharge requirements. The discharger was given a number of warnings, including Notice of Violation. The discharger did not respond to the Administrative Civil Liability Complaint. The discharger has not disputed the fact they are in violation.
 - b. Susceptible to cleanup and abatement: Not applicable
 - c. Degree of toxicity of the discharge: Unable to determine without the monitoring reports.
 - d. Ability to Pay, the Effect on Ability to Continue in Business: The discharger has not provided Regional Board staff with documentation of any financial difficulty.
 - e. Voluntary Cleanup Efforts: Not applicable
 - f. Prior History of Violations: The discharger was issued a fail to submit letter for non-submittal of the 1997 third quarter monitoring report. The violation was cleared upon receipt of the monitoring report.
 - g. Degree of Culpability: The discharger was aware the monitoring report was due upon receipt of Board Order No. 95-104, and is responsible for compliance with the terms and conditions of Board Order No. 95-104 and is therefore fully culpable for the violation described above.
 - h. Economic Savings, if any, Resulting from the Violation: By failing to prepare and submit the quarterly monitoring report, the discharger realized economic gains by not complying with the monitoring program.
12. The cost of Regional Board staff time spent in connection with the violation and the Administrative Civil Liability, including investigating with the discharger, drafting the Administrative Civil Liability Complaint and staff report, consulting with the staff attorney and meeting with the Regional Board is estimated to be \$217.00.

13. Issuance of this Order is exempt from the provisions of California Environmental Quality Act (Public Resources Code Section 21000, et. seq.), in accordance with Section 15321(a)(2), Title 14, California Code of Regulations.

IT IS HEREBY ORDERED THAT, pursuant to Section 13268 of the California Water Code, an Administrative Civil Liability is imposed on Guy Page in the amount of \$282.00.

I, Philip A. Gruenberg, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on June 11, 1998.

//SIGNED//
Executive Officer